

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RICHARD LEE SIMKINS, III,	:	
Plaintiff,	:	
v.	:	Case No. 3:18-cv-309
GRANDVIEW HOSPITAL, <i>et al.</i> ,	:	JUDGE WALTER H. RICE
Defendants.	:	

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #159);
OVERRULING PLAINTIFF'S OBJECTIONS THERETO (DOC. #160);
SUSTAINING PLAINTIFF'S UNOPPOSED MOTION TO
VOLUNTARILY DISMISS COMPLAINT AGAINST ALL REMAINING
DEFENDANTS WITHOUT PREJUDICE (DOC. #158); OVERRULING
WITHOUT PREJUDICE AS MOOT ALL OTHER PENDING MOTIONS
(DOCS. ##125, 130, 133, 142, 147, 152); JUDGMENT TO ENTER
IN FAVOR OF DEFENDANTS AND AGAINST PLAINTIFF;
TERMINATION ENTRY

On October 4, 2019, United States Magistrate Judge Michael J. Newman issued a Report and Recommendations, Doc. #159, recommending that the Court sustain Plaintiff's unopposed Motion to Voluntarily Dismiss Complaint Against All Remaining Defendants Without Prejudice, Doc. #158, and overrule all other pending motions as moot.

Plaintiff filed timely "Objections" to the Report and Recommendations, Doc. #160, asking only that the Court set a time period, *i.e.*, 90 days, for him to perfect service of the First Amended Complaint in *Simkins v. McIntosh*, Case No. 3:19-cv-

227, which was filed against many of the same Defendants, and to tax all costs of the earlier, above-captioned lawsuit to attorney Timothy Pepper. The Kettering Health Network (“KHN”) Defendants filed a memorandum in opposition, noting that Plaintiff identified no basis for taxing their attorney, Timothy Pepper, with costs.

The Court ADOPTS Magistrate Judge Newman’s Report and Recommendations, Doc. #159, in their entirety, and SUSTAINS Plaintiff’s unopposed Motion to Voluntarily Dismiss Complaint Against All Remaining Defendants Without Prejudice, Doc. #158. The Court OVERRULES WITHOUT PREJUDICE AS MOOT the following pending motions: Docs. ##125, 130, 133, 142, 147 and 152.

The Court OVERRULES Plaintiff’s “Objections” to the Report and Recommendations, Doc. #160. Plaintiff has identified no basis for charging attorney Timothy Pepper with the costs of this action. That request is meritless. Plaintiff’s request that the Court set a deadline for him to perfect service of the First Amended Complaint in *Simkins v. McIntosh*, Case No. 3:19-cv-227, will be addressed by separate Order in the appropriate case.

Judgment shall be entered in favor of Defendants and against Plaintiff.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: October 29, 2019



WALTER H. RICE
UNITED STATES DISTRICT JUDGE